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# Legal Studies: Terminology and Transcription

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Roderick-Bolton

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Wanda Roderick-Bolton

*R & W Associates  
Naples, Florida*

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***Legal Studies: Terminology & Transcription***

By Wanda Roderick-Bolton

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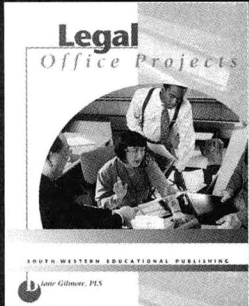
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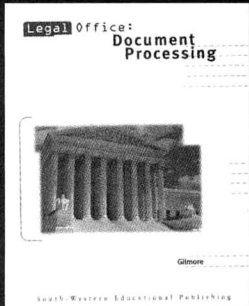
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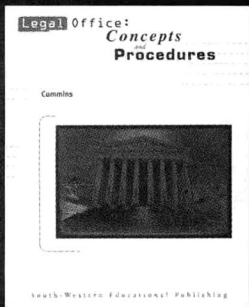
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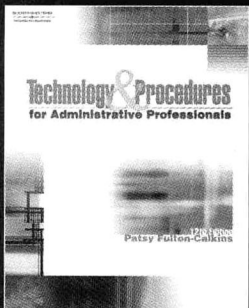
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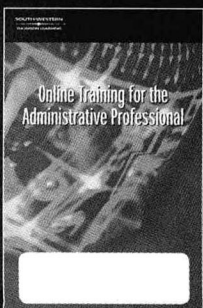
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# Preface

Understanding legal terminology is an essential requirement for employees in a legal office. You must understand the tools with which you are working in order to be able to key legal documents, transcribe, and follow legal procedures. In the legal field, these tools are the legal words that are used. Many misunderstandings and frustrations on the job can be eliminated with a basic understanding of these terms. The study of legal terminology is only a part of the skills and knowledge necessary for the legal employee, but it is a very vital and necessary skill in order to succeed in the legal field. With a basic understanding of legal vocabulary, the job will be much easier, and you, the legal employee, will be a more effective participant and contributor in the legal profession.

During my many years of teaching in the area of court reporting, the frequency of errors in student transcripts resulting from lack of knowledge of legal terms pointed out the need for a systematic approach for the learning of basic legal terminology. Errors such as “leaps and bounds” instead of “metes and bounds,” “quickclaim deed” instead of “quitclaim deed,” and a “causal relationship” transcribed as a “casual relationship” may appear humorous on the surface but are not so funny when the fortunes or lives of people are at stake.

## OBJECTIVES OF TEXT

This text-workbook is intended to give you knowledge and understanding of over 900 terms commonly used in the legal profession. You will learn to define the terms and to use them in legal context. Pronunciation guides are provided for each word, and the correct pronunciation is reinforced by prerecorded dictation. Keyboarding practice from printed copy will assist you in learning the correct spelling of each term, and all objectives are reinforced as you learn to transcribe the terms from prerecorded dictation. Therefore, upon successful completion of this course, you should be able to:

1. Correctly spell, pronounce, and define the legal terms presented;
2. Transcribe the legal terms on a computer, either directly from the prerecorded dictation or from machine shorthand notes.

## INSTRUCTIONAL LEVEL

This course may be taught in a traditional classroom setting, and it is also very adaptable to an individualized instructional system. It will provide a good background for you, should you desire to work in a legal office as a receptionist/typist, administrative assistant, stenographer, paralegal, or research assistant. Should you choose to become a court reporter, captionist, real-time reporter, note-reader/transcriber, or transcriptionist, you can benefit from this course. Should you choose work in a legal office or in the court reporting field, you must, of course, have a much broader knowledge of legal vocabulary than this course provides. However, this course will give you an excellent background for legal keyboarding, legal shorthand, legal office procedures, and business law courses.

In order to succeed in legal/terminology transcription, you should be able to keyboard—a prerequisite for any of the named jobs in the legal field. The course is also designed so that if you use a shorthand system (either pen or machine), you can integrate that skill into the study of this course.

The tear-out feature of the text-workbook allows pages that are to be copied on a computer to be torn out first and put to the side of the keyboard. If the machine shorthand procedure is used, tear out the appropriate page and put it on the desk when writing on your shorthand machine. In both instances, you will find it easier to work with individual pages than with an open book.

## LENGTH OF COURSE

The course consists of 32 lessons, each containing 25-30 terms. If you plan to follow the keyboarding/transcription procedure, the course will take approximately 40 clock hours to complete. It will take approximately 50 clock hours to follow the machine shorthand/transcription procedure.

## SELF-EVALUATIONS

At the end of each section, there is a short quiz that you will use as a self-evaluation. This enables you to check on your understanding and comprehension of the subject matter presented in each lesson. These self-evaluations should not be used for grading purposes. Answers to the self-evaluations begin on page 494 in the Appendix.

## TESTS

Your instructor will give you an evaluation after every two text-workbook lessons. These evaluations will be used as a measurement of your understanding and comprehension of the material and should be graded by your instructor. The evaluations consist of prerecorded dictation material to be transcribed and objective questions that you will complete.

## DICTATION

Practice Dictation. The practice dictation for each of the 32 lessons is available on CD. The dictation rate is approximately 80 words a minute. Each term presented in a given lesson is included in the dictation material for that lesson.

Evaluations CDs. In addition to the lesson practice dictation material, eight evaluations on CD-ROM are also available. After every two lessons, there is dictated material on a CD similar to what you will hear on the practice CDs. An evaluation is to be given at the completion of every two text-workbook lessons. Evaluations will be administered by your instructor or a specially designated person. Each evaluation consists of three sections—A, B, and C. Be sure that you complete all three sections before going to the next lesson.

## AREAS OF LAW COVERED

The various areas of law are listed and arranged in a logical sequence to provide some continuity as you progress through the course. The general areas are introduced first, followed by the most common specific areas, such as criminal and civil. Progression is then made into other specific areas that will give you an understanding of the terminology used in most law firms, whether the lawyer happens to be in general law practice or in a specialized area. Two lessons are used to cover the terminology in most of the areas. However, for areas such as bankruptcy and partnerships where the number of specific terms is limited, there is only one lesson. After Lesson 10, the lessons may be rearranged or a specific selection may be made to meet your individual needs.

## SELECTION OF TERMINOLOGY

The terminology was selected from books on legal secretarial training, law books, legal dictionaries, legal documents, and court transcripts. Also, attorneys and other legal personnel were consulted regarding specific terms.

The most commonly used terms, as well as those with special legal meanings in each area, were selected. Terms that are used very infrequently were avoided, as one of the main objectives was to develop a general basic background in legal terms. The use of certain terms will vary from state to state, and those are identified throughout the course. Some of the most commonly used Latin terms are also included. Even though you will learn some legal procedures from the study of the terminology, this is not intended to be a course in law.

## PRONUNCIATIONS

The pronunciations for most of the terms in this course are based on the pronunciation guide of *Merriam-Webster's Collegiate Dictionary*.

## ILLUSTRATIONS

Legal forms and documents illustrating the use of many terms are included in this edition. These forms and documents are provided only for the purpose of assisting you in learning the definitions of the terms and how they are used in the legal field. You should be aware that the forms and documents shown in the illustrations will vary from state to state except for those used in federal courts, such as the bankruptcy forms. A list of illustrations is included on page viii.

## LESSONS AND EVALUATIONS

At the beginning of each lesson, there is a general introduction that explains the content of the lesson and gives the objectives that you are to complete for the lesson.

### Part A—Terminology and Definitions

The first list of legal terms presented in each lesson consists of 12 to 15 terms. The pronunciation and definition for each term is given. Illustrations are also provided for many of the legal terms. The illustrations will assist you in further understanding the definition and usage of the terms. Study the words carefully, and be sure that you understand the definition and can spell and pronounce the term correctly.

### Self-Evaluation A—Terminology and Definition Recall

The self-evaluation will require you to recall the terms that were presented in Part A. The format will be blanks, multiple choice, or matching. The answers are provided in the key on page 494 so that you can check the answers as soon as you have completed the self-evaluation. This provides reinforcement for learning, and you should restudy any incorrect answers. These evaluations were designed as a self-help tool.

### Part A—Keying Legal Terms

Further reinforcement of the terms and definitions is provided in this part. In the first part, you will key the legal terms presented in the lesson. This will assist you in learning the correct spelling for each of the terms. The sentences in the second part

reemphasize the terms and the definitions. The terms are presented in legal context or usage whenever possible. If you are following the machine shorthand procedure, key the material on your shorthand machine. Then transcribe from your shorthand notes on your computer, or, if you are using computer-aided transcription (CAT), proofread and edit your transcript.

## **Part A—Transcribing from Dictation**

Since the dictated material on the CD-ROM is the same as the practiced material keyed from printed copy, your main adaptation in this part will be to transcribe from sound or from your machine shorthand notes. By practicing the material beforehand, your frustrations will be minimized as you move into this section. Also, the prerecorded dictation will help you learn the correct pronunciation of the legal terms.

This part of the lesson provides you with the opportunity to transcribe from dictation, make mistakes, and relearn before an evaluation. After you have transcribed the dictation, check your transcript with the printed copy and restudy any part that gave you difficulty.

Part B is a repeat of the above learning situations using 12-15 more new legal terms.

## **Evaluations**

Section A. This part of the evaluation is prerecorded for you to transcribe either directly on your computer or from your machine shorthand notes. It consists of the same legal terms, but the dictation varies in content from that given in the lessons. A form with directions is provided at proper intervals in your text-workbook. You will turn in this evaluation to your instructor for checking and grading. Each dictated evaluation is dictated at approximately 80 words per minute.

Sections B and C. These parts provide a written evaluation of your knowledge of the legal terms and definitions. They are to be turned in to your instructor for checking along with Section A. Both parts recap the lesson and are an indication, along with the dictation section, of whether or not you have fully comprehended the lesson and are ready to continue. Sections B and C of the evaluation consist of multiple choice and matching questions.

## **REFERENCE SECTION**

The Reference Section on pages 488–493 consists of four parts:

Latin Words and Phrases: Approximately 30 additional Latin words and phrases with pronunciations and definitions are in this section. This will provide you with a further understanding of Latin terms that are used in the legal field.

Proofreading Guidelines: Information to help improve your proofreading skills is presented in this section along with a list of proofreader's marks.

Words Often Confused: Words that are often confused because they sound alike or have similar spellings are listed along with the definition for each word.

Legal Transcription Basics: This section covers some general and basic rules for preparing legal instruments.

## **INDEX**

An Index is included at the end of the text-workbook on pages 501–504. It is an alphabetized listing of the terms, including the page number where the term is presented.

## **INSTRUCTOR'S RESOURCE CD**

An Instructor's e-manual is available on CD-ROM for instructors using this new edition of the text-workbook. The e-manual contains additional information on teaching methods, grading procedures, and grading scales. Also, the 16 evaluations for testing purposes are included on this CD.

## **ACKNOWLEDGMENTS**

Many students, instructors, administrative assistants, court reporters, businesspeople, legal personnel, and lawyers assisted with the content and organization of this text-workbook throughout each of the five editions.

The author expresses thanks to all who have contributed time and suggestions and special thanks to the reviewers, Diane Gilmore, Springfield, Tennessee and Barbara Tietz, Raymond Walters College, Cincinnati, Ohio for their helpful comments during the development process of this fifth edition.

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## Courts and Legal Systems

*"The state without law  
would be like the human  
body without mind."  
—Cicero*

A knowledge of the federal and state court systems, of the sources of our laws, and of the classifications of law is an essential basis for the understanding of legal terminology. The names and types of courts may vary from state to state, but the ones most commonly used are defined. Our law is an outgrowth of the legal systems of other countries. Therefore, the most common types of law upon which our system is based are also included. When you complete this lesson, you will have an understanding of the general terms used in reference to our courts and legal systems, which will help you learn the terminology taught in the following lessons.

### Part A

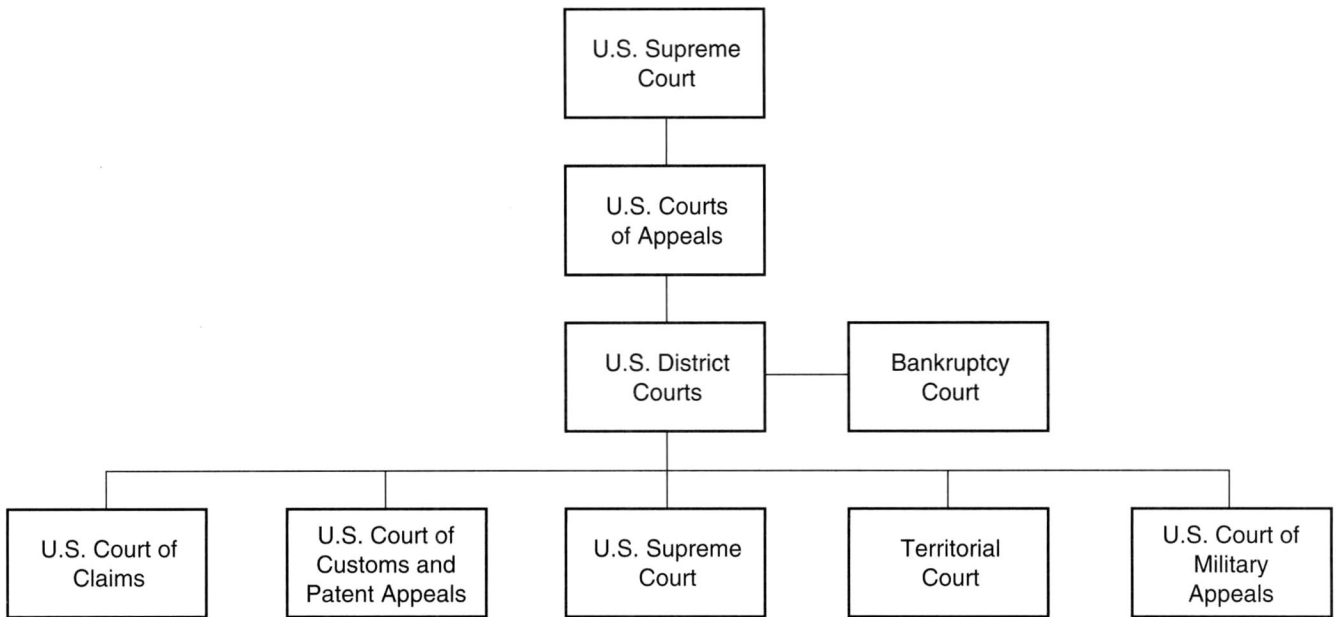
### TERMINOLOGY AND DEFINITIONS

**Directions:** Study the terms, pronunciations, and definitions until you are thoroughly familiar with them. In order to complete this lesson successfully, you must understand the meaning and usage of all the legal terms presented. If you are using a shorthand system, write each legal term one time on your shorthand machine.

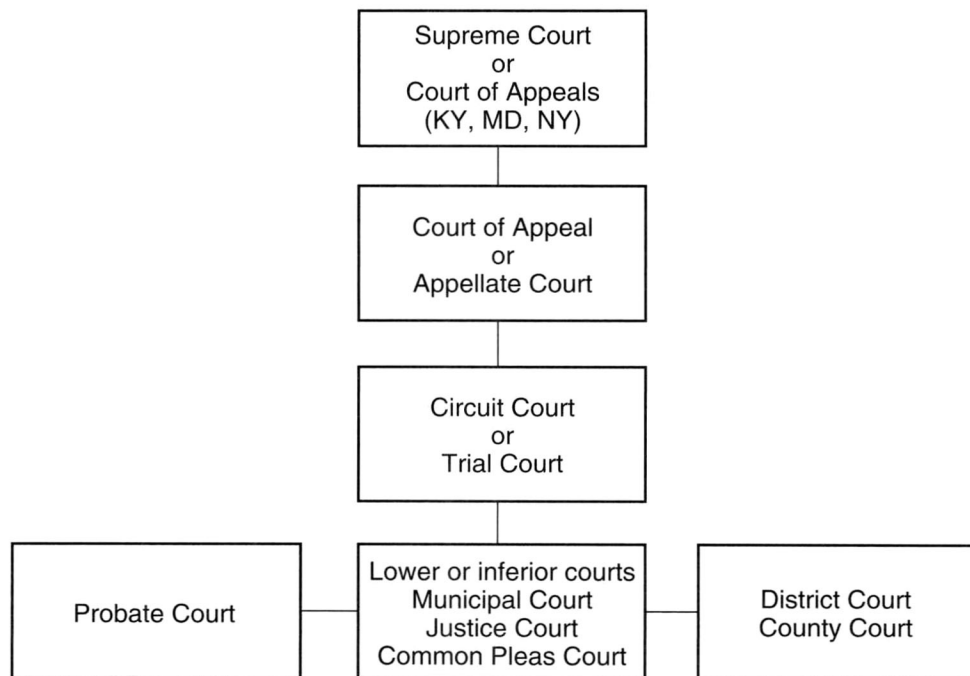
Legal Term	Pronunciation	Definition
1. U.S. Supreme Court	ū s sə-’prēm kōrt	<i>Federal Court System: (See Figure 1-1, page 3.)</i> The highest court in the federal judicial system. Composed of a chief justice and eight associate justices. This court has final jurisdiction in matters tried in the lower federal courts and can also hear certain cases on appeal from the highest courts in the state systems if a constitutional question of federal law is involved.
2. U.S. Court of Appeals	ū s kōrt əv ə -’pēls	An appellate court. Reviews cases from lower federal courts. There are currently 13 judicial circuits, each of which has a U.S. Court of Appeals.
3. U.S. District court	ū s ’dis-trikt kōrt	A federal trial court or a federal court of original jurisdiction. The court in which a case is first tried in the federal court system.
4. special courts	’spesh- əl kōrts	There are several special U.S. courts that have limited jurisdiction, including the Court of Claims, the Court of Customs and Patent Appeals, and the Tax Court.
5. supreme court	sə -’prēm kōrt	<i>State Court System: (See Figure 1-2, page 3.)</i> The highest court in most state court systems. Certain cases decided in a state supreme court may be appealed to the U.S. Supreme Court if a constitutional question of federal law is involved.

6. court of appeal	kōrt əv ə-ˈpēl	A court that reviews cases from the trial courts or lower courts. The highest court in states not having a supreme court.
7. appellate court	ə-ˈpel-ət kōrt	Same as court of appeal. A court that reviews cases that are appealed from a lower court.
8. trial court	trīl kōrt	A court of original jurisdiction. Hears a case the first time it is tried in court.
9. court of original jurisdiction	kōrt əv ə-ˈrij-ən-l jūr-əs-ˈdik- shən	A court that hears a case the first time it is tried in court. A trial court is a court of original jurisdiction.
10. court of record	kōrt əv ˈrek-ərd	A court in which all proceedings are recorded for future reference. Trial courts, appellate courts, and supreme courts are usually courts of record.
11. probate court	ˈprō-bāt kōrt	A court that deals with the probate of wills and the settlement of estates. May also be called orphan's court or surrogate court. In some states the probate court has jurisdiction over the estates of minors and the appointment of guardians.
12. lower or inferior court	lōr ər in-ˈfir-ē-ər kōrt	A court that has a very limited jurisdiction and whose cases may be appealed to a higher court. In some states a written record is not required for the proceedings.
13. court not of record	kōrt nāt əv ˈrek-ərd	A court in which the proceedings are not required to be recorded. Usually the lower or inferior courts are courts not of record. However, many states now require all courts to be courts of record. A court not of record, such as a small claims court, cannot impose fines or imprisonment.
14. small claims court	smōl klāms kōrt	A court established in some states to settle minor disputes between individuals in which the parties represent themselves without the assistance of attorneys. Usually the judge's decision is final, and the case cannot be appealed to a higher court.

**FIGURE 1-1** Federal Court System



**FIGURE 1-2** State Court Systems (The courts in each state vary, so this chart is intended to give only a general overview of the structure of the state court systems.)





**Self-Evaluation A****Terminology and Definition Recall**

**Directions:** In the Answers column at the right of each statement, write the letter that represents the word or group of words that correctly completes the statement. After you have completed this self-evaluation, check your answers with the key on page 494. If you have any incorrect answers, review the definitions for those terms before going on with this lesson. Then unless otherwise directed, submit this self-evaluation to your instructor.

**ANSWERS**

- |  |           |
|--|-----------|
| 1. A court having jurisdiction over wills, the settlement of estates, the estates of minors, and the appointment of guardians is known as a/an (a) appellate court, (b) special court, (c) probate court.  | 1. _____  |
| 2. A court in which all proceedings are recorded for future reference is a (a) court of record, (b) court not of record, (c) small claims court.   | 2. _____  |
| 3. A court that has very limited jurisdiction and whose cases may be appealed to a higher court is a (a) court of original jurisdiction, (b) probate court, (c) lower or inferior court.                   | 3. _____  |
| 4. A state court that reviews cases from the trial courts is referred to as a (a) court of original jurisdiction, (b) court of appeal, (c) supreme court.  | 4. _____  |
| 5. The federal appellate court is called the (a) U.S. Court of Appeals, (b) U.S. District Court, (c) U.S. Special Court.   | 5. _____  |
| 6. A court in which the proceedings are not required to be recorded is referred to as a (a) court not of record, (b) court of record, (c) trial court.   | 6. _____  |
| 7. A court that hears a case the first time it is tried in court is called a (a) lower or inferior court, (b) court of original jurisdiction, (c) court of appeal.   | 7. _____  |
| 8. The highest court in the federal judicial system is composed of a chief justice and (a) seven associate justices, (b) eight associate justices, (c) nine associate justices.                            | 8. _____  |
| 9. The highest court in the federal judicial system is called the (a) U.S. Supreme Court, (b) special court, (c) supreme court.  | 9. _____  |
| 10. The highest court in most states is called the (a) U.S. Supreme Court, (b) special court, (c) supreme court.   | 10. _____ |
| 11. A federal trial court or a federal court of original jurisdiction is a (a) U.S. Supreme Court, (b) U.S. Court of Appeals, (c) U.S. District Court.   | 11. _____ |
| 12. In the federal court system, the Court of Claims, the Court of Customs and Patents, and the Tax Court are (a) U.S. District Courts, (b) special courts, (c) U.S. Courts of Appeals.                    | 12. _____ |
| 13. If there is a dispute between states or residents of two different states, the case would be filed in the (a) U.S. Court of Appeals, (b) U.S. District Court, (c) supreme court.                       | 13. _____ |
| 14. If someone damages your personal property and a large sum of money is not involved, you would probably file the case in a/an (a) small claims court, (b) appellate court, (c) special court.           | 14. _____ |
| 15. If you lost the decision in a case in a court of original jurisdiction or a trial court, you could file for the case to be reviewed in a/an (a) supreme court, (b) probate court, (c) appellate court. | 15. _____ |



## KEYING LEGAL TERMS

**Directions:** Unless otherwise instructed, use 1-inch margins and double spacing. Correct all errors. Follow one of the procedures below.

### WORDS

#### Keyboarding Procedure

On your computer, key the following words at least two times, concentrating on the correct spelling and pronunciation.

#### Machine Shorthand Procedure

On your computer, key the following words once, concentrating on the correct spelling and pronunciation. Then write each word one time on your shorthand machine. Transcribe from your shorthand notes one time on your computer, or, if you are using computer-aided transcription (CAT), proofread and edit your transcript.

special courts

court of original jurisdiction

trial court

court of appeal

probate court

U.S. Supreme Court

U.S. Court of Appeals

court of record

lower or inferior court

small claims court

U.S. District Court

supreme court

appellate court

court not of record

### SENTENCES

#### Keyboarding Procedure

Key each of the following sentences one time on your computer. Concentrate on the correct spelling and pronunciation of each underlined legal term.

#### Machine Shorthand Procedure

Write the following sentences one time on your shorthand machine. Transcribe from your shorthand notes one time on your computer, or, if you are using computer-aided transcription (CAT), proofread and edit your transcript.

*These sentences will be used for practice dictation on the Transcription CD.*

The American judicial system has a dual court system, consisting of one federal court system and fifty state court systems. The federal court system deals with cases involving the federal government, suits between states, suits between citizens of two different states, and specific matters in the various special courts established for that purpose.

The U.S. Supreme Court is the highest court in the federal judicial system and is composed of a chief justice and eight associate justices. The U.S. District Court is a federal trial court or court of original jurisdiction. If the state of Illinois were suing the state of Missouri, the case would be filed in a U.S. District Court. A case tried in the U.S. District Court may be appealed to the U.S. Court of Appeals. The U.S. Supreme Court may then be petitioned to hear the case. There are several special courts in the federal court system, such as the Court of Claims, the Court of Customs and Patent Appeals, and the Tax Court.

The highest court in most states is called the supreme court. A trial court or court of original jurisdiction hears a case the first time it is tried in court. If you were going to sue another resident or business located in your state, you would file the case in a trial court. A trial court is usually a court of record, meaning that all the proceedings are recorded verbatim, or word for word. A case tried in a trial court may be appealed to

an appellate court or a court of appeal and then to the supreme court. Certain cases heard by the state supreme court, or the highest court in a state system, may be appealed to the U.S. Supreme Court.

A court of small or restricted jurisdiction, such as a municipal court, is known generally as a lower or inferior court and, in most cases, is a court not of record. However, the trend in many states is to require all courts to be courts of record. A case tried in a lower or inferior court may be reviewed in a trial court and could then follow the appellate procedure, the same as a case originally tried in a trial court.

A probate court has jurisdiction over the probate of wills, the settlement of estates, and, in some states, the estates of minors and the appointment of guardians.

Small claims courts have been established in some states to handle minor disputes between individuals. For example, if the dry cleaners ruin your slacks, you could file the case to be settled in a small claims court without the assistance of an attorney.

## TRANSCRIBING FROM DICTATION

**Directions:** This dictation emphasizes and reinforces the legal terms and definitions you have studied. Listen carefully to the pronunciation of each of the legal terms. Unless otherwise directed, use 1-inch margins and double spacing. Correct all errors. Follow one of the procedures below.

### Keyboarding Procedure

Using the Transcription CD, Lesson 1, Part A, transcribe the dictation directly at your computer.

### Machine Shorthand Procedure

Using the Transcription CD, Lesson 1, Part A, take the dictation on your shorthand machine and then transcribe from your notes on your computer, or, if you are using computer-aided transcription (CAT), proofread and edit your transcript.

When you have finished transcribing or proofreading and editing Part A of the practice dictation, check your transcript with the printed copy. If you made any mistakes in the transcription, you should review and practice those words several times before going on to Part B.

## Part B Terminology and Definitions

**Directions:** Study the terms, pronunciations, and definitions until you are thoroughly familiar with them. In order to complete this lesson successfully, you must understand the meaning and usage of all the legal terms presented. If you are using a shorthand system, write each legal term one time on your shorthand machine.

Legal Term	Pronunciation	Definition
		<i>Sources of Law:</i>
1. constitutional law	kän-stē -tū-shən-l lö	A branch of public law that deals with the interpretation and validity of federal and state constitutions. Constitutional law may be amended by the U.S. Supreme Court or by the highest state courts.
2. statutory law	‘stach-ə-tōr-ē lö	Law that has been created by statute or legislation passed by the U.S. Congress or the state legislatures. Sometimes called written law.